



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,580	01/18/2001	John C. Smith	P 0276522 PHM.70640/US	4676

7590 04/09/2002

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102

[REDACTED]  
EXAMINER

EINSMANN, JULIET CAROLINE

ART UNIT	PAPER NUMBER
1634	# 9

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

#### **DETAILED ACTION**

1. The reply filed on 3/13/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant failed to elect a single polymorphism for examination as required by the further restriction requirement applicable to all groups See 37 CFR 1.111.

Applicant's election without traverse of group I, paper number 9 is acknowledged. However, this response is not fully responsive to the restriction requirement mailed 2/13/02 because the restriction requirement had a "Further Restriction Requirement Applicable to All Groups" which required applicant to elect a single polymorphism for examination. The further requirement is reiterated:

***Further Restriction Requirement Applicable to All Groups***

**Each group detailed above reads on more than one patentably distinct group, wherein each of the distinct group is drawn to methods for the detection of separate polymorphisms, nucleic acids comprising different polymorphic variants, linkage studies of the different polymorphisms, treatment of a patient after diagnosis using more than one polymorphism, polypeptides with distinct allelic sequences, antibodies to those polypeptides, and the use of distinct polymorphisms in bioinformatics. For example, group I above encompasses four different inventions, that is, methods for detecting each of the four different polymorphisms recited. For the elected group (of groups I-V), applicants must further elect single polymorphism for examination in the appropriate product or method claim. For example, if applicant elects group I, applicant should further elect one of the polymorphisms for examination.**

**Prior to allowance, non-elected subject matter will be required to be deleted from any allowable claims.**

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliet C. Einsmann whose telephone number is (703) 306-5824. The examiner can normally be reached on Monday through Friday, from 9:00 AM until 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 and (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



W. Gary Jones  
Supervisory Patent Examiner  
Technology Center 1600

Juliet C Einsmann  
Examiner  
Art Unit 1655

March 21, 2002